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COHEN MILSTEIN

December 9, 2020

VIA ECF

MEMO ENDORSED

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF)

Dear Judge Failla:

In connection with Plaintiffs' letter motion regarding the discovery dispute concerning Defendants' transactional data productions, Plaintiffs respectfully request leave to file certain exhibits with redactions and under seal pursuant to paragraph 9(c)(i) of this Court's Individual Rules of Practice.

The attached Exhibits 2, 4-7, 9-10, 14-16 include or discuss material that has been designated Confidential, Highly Confidential, and/or Highly Confidential Data under the Protective Orders in this case. *See* ECF Nos. 150; 228. The Protective Order requires that "[i]n the event that Counsel for any Party determines to file or submit in writing to the Clerk of Court's office or file on ECF any Protected Material, or any papers containing or making reference to the substance of such material or information, the Party shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal." *See* ECF No. 150, § 9. Accordingly, Plaintiffs request leave to file Exhibit 2 with redactions and Exhibits 4-7, 9-10, 14-16 under seal.

Similarly, attached Exhibit 11 contains Plaintiffs' communications with counsel for the 22 funds who raised concerns in Fall 2019 about the potential for disclosure of their trading records contained within Defendants' stock lending databases. *See* ECF Nos. 193, 199. These communications may contain information sensitive to these funds, including information about the size of their aggregate notional trading value. Information about the funds' trading is the type of information covered by the Highly Confidential Data designation under the Supplemental Stipulated Protective Order (ECF No. 228, § 2.3), thus Plaintiffs accordingly seek leave to file Exhibit 11 under seal.

Respectfully submitted,

/s/ Michael B. Eisenkraft

Michael B. Eisenkraft
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/s/ Daniel L. Brockett

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SULLIVAN, LLP

Application GRANTED. The exhibits to Plaintiffs' motion to compel enumerated above shall be filed under seal, viewable only to the Court and the parties.

Dated: December 10, 2020 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE